

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION

THOMAS L. HAYNES,

Plaintiff,

v.

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

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Case No. 4:07CV00043

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**ORDER**

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By: Jackson L. Kiser

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Senior United States District Judge

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Before me is the Report and Recommendation of United States Magistrate Judge B. Waugh Crigler, entered on August 22, 2008. The Magistrate Judge recommends granting the Plaintiff's Motion for Summary Judgment and remanding the case to the Commissioner for further proceedings. I have reviewed the Magistrate Judge's recommendation, as well as the Defendant's objections to the Magistrate's Report and Recommendation. The matter is now ripe for decision. For the reasons set forth in the accompanying Memorandum Opinion, I will **REJECT** the Magistrate Judge's Report and Recommendation and **SUSTAIN** the Defendant's Objections. I will **GRANT** the Defendant's Motion for Summary Judgment and this case will be **DISMISSED** from the active docket of this Court.

The clerk is directed to send certified copies of this Order to all counsel of record and to Magistrate Judge B. Waugh Crigler.

Entered this 21<sup>st</sup> day of November, 2008.

s/Jackson L. Kiser

Senior United States District Judge